

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT NORTH DAKOTA
SOUTHWESTERN DIVISION**

Thomas Alan Skalicky,)	
)	
Plaintiff,)	
)	ORDER (AMENDED)
vs.)	
)	
Kolby Braun, Troy Schutz, and)	
Lean Bersearch,)	
)	Case No. 1:12-cv-061
Defendants.)	

The plaintiff, Thomas Alan Skalicky (“Skalicky”), initiated the above-entitled action by filing with the court a proposed complaint along with a motion for leave to proceed *in forma pauperis*. On June 6, 2012, he filed a motion requests leave of court to “to petition the Defendants to answer and respond to interrogatories.” Docket No. 10.

The court must screen Skalicky’s complaint before ordering that it be served upon defendants.¹ Assuming that the court orders that the complaint be served, defendants must be afforded time to file a responsive pleading. Once defendants have filed a responsive pleading, the parties will likely be directed to submit proposed scheduling and discovery plans. Until this occurs, the court is not inclined to order discovery.

¹ Congress enacted the Prison Litigation Reform Act of 1995 ("PLRA") to address the burdens imposed by prisoner suits that too often are frivolous and without merit. Jones v. Bock, 549 U.S. 199, 202-03 (2007); Woodford v. Ngo, 548 U.S.81, 84 (2006). One of the reforms enacted as part of the PLRA for cases in which prisoners are seeking to sue a governmental entity, officer, or employee is the requirement that courts conduct an early screening to weed out claims that clearly lack merit. 28 U.S.C. § 1915A. In conducting the screening, the court is required to identify any cognizable claims and to dismiss the complaint, or any part of it, that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Id.

In sum, Skalicky's request for leave to serve defendants with interrogatories is premature.
His motion (Docket No. 10) is therefore **DENIED** without prejudice.

Dated this 11th day of June, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge